



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALDO JAMES VALENTE,

Petitioner,

-v-

CYNTHIA SCOTT, et al.,

Respondents.
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16-CV-0613 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

On January 27, 2016, Petitioner filed a Petition to Confirm Arbitration and for an Order directing FINRA to expunge any reference to the underlying arbitration from his CRD records. (Docket No. 1). On January 28, 2016, the Court set a briefing schedule for Petitioner's submission of any additional materials in support of the Petition, Respondents' opposition, and Petitioner's reply. (Docket No. 5). Petitioner served Respondents with the Petition, supporting materials, and the briefing schedule. (Docket Nos. 7, 8). Pursuant to the briefing schedule, Respondents' opposition was due no later than February 29, 2016. (Docket No. 5). To date, Respondents have neither responded to the petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trustees for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Const. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is

no genuine issue of material fact precluding summary judgment as to the portions of the Award pertaining to Petitioner, as the FINRA panel's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award. Accordingly, the Court grants Petitioner's unopposed petition to confirm the Award with respect to his expungement claim.

Petitioner is directed to submit a proposed Judgment consistent with this Memorandum Opinion and Order, including a direction to FINRA to expunge any reference to the underlying arbitration from Petitioner's CRD records, to the Orders and Judgments Clerk of this Court by **March 4, 2016**.

SO ORDERED.

Dated: February 29, 2016
New York, New York



JESSE M. FURMAN
United States District Judge